

stated therein. Whereupon, said notice shall be published once a week for three weeks, before the day for the sitting of said commissioners, in some newspaper having a general circulation in said town; an affidavit of the publisher of said notice shall be evidence of the facts; service of the notice shall be made at least six days before the commissioners meet; it shall be sufficient to bring in the owners of and all persons claiming any interest in the property affected by such proceedings, who may be the owners or be interested therein at the time the ordinance providing for the improvement takes effect, and all parties claiming or holding through or under such owners or persons interested shall be bound by such proceedings. The commissioners shall ascertain the just compensation to be paid as follows: First, for each piece of property taken, where the public use thereof shall be such that the town must have exclusive possession thereof, the actual value of the property taken; second, for each piece of property taken when the public use thereof may be such that the town need only have such possession and control as will not wholly exclude the possession and beneficial use thereof by the owner, the actual damage from the public use specified in the ordinance. To pay such compensation, the commissioners shall assess against the town the amount of benefit to the town and public generally. Parties interested may submit evidence to the commissioners and the latter shall examine personally the property to be taken and assessed. The party owning any property taken, may remove any improvement thereon. The verdict of the commissioners shall be signed by each commissioner and delivered to the Mayor, or person acting in his stead, and contain a correct description of each lot or parcel of private property to be taken and the value thereof. The Mayor or person acting in his stead shall after rendition of the verdict, report the same to the Council, and if the same be not confirmed by the Council within sixty (60) days from such report, the proceedings and verdict shall be void. If the verdict and proceedings be confirmed by the Council within sixty (60) days an appropriation shall be made to pay such sum as has been assessed against the town. The town shall not be entitled to the possession of any lots or parcel of property taken until payment of the compensation therefor be made or paid into the Circuit Court of Montgomery County for the person entitled in case such person be absent, unable or unwilling to receive the same, or the title to the property to be taken shall be in question. In case the town or any person affected by such proceedings shall feel aggrieved by the